

REMARKS

Claim Rejections under 35 U.S.C. § 102

Claims 1-5 are rejected under 35 U.S.C. § 102 as being clearly anticipated by U.S. 5,828,284 (Huang). Applicant most respectfully traverses this rejection.

Applicant redirects the Examiner's attention to MPEP § 2131 which states that to anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed.Cir. 1990).

The cited reference to Huang (U.S. 5,828,284) is a previous patent of the Applicant, and a similar device is illustrated on Figures 4 and 5 of the application, designated as "PRIOR ART".

As shown in Figure 1 of the inventive application, the holder (36) houses and protects the neon indicator (37). The reference to Huang does not teach or disclose a "neon" indicator held in such a protective holder.

The reference to Huang does not specify a "neon" indicator, anywhere in the specification, claims or Abstract (a word search for "neon" was performed in this regard), and therefore the reference to Huang can not anticipate the claimed invention.

In addition, the Examiner has inferred that there is a holder for the indicator in the reference to Huang. The Examiner has indicated that the "holder" in the

reference to Huang exists "inherently, since said indicator can't just hang in the air". As clearly shown in Figure 1 of the reference to Huang, the indicator (bulb) is precariously and vulnerably suspended in position only by a pair of wires that are secured to the front wall 50.

Further, as illustrated in Figure 1 of the reference to Huang, there is no specific protective holder for the indicator (bulb) of the reference to Huang, unlike the claimed invention which specifically recites such a holder, designated as reference element 36, shown in Figure 1 of the application. It appears that the Examiner is equating the entire housing of the reference to Huang as being such a holder, which is impermissible, since Applicant has separately claimed a housing (line 2 of claim 1).

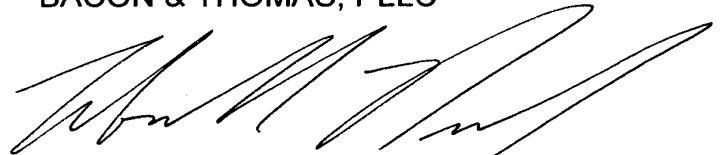
In view of the remarks above, withdrawal of the rejection based on 35 U.S.C. § 102 is respectfully requested. Alternatively, Applicant invites the Examiner to amend claim 1 by Examiner's Amendment, to recite a "protective" holder (36), if such amendment will place the application in condition for allowance. Applicant hereby gives approval for such amendment.

In summary, it is respectfully submitted that none of the prior art individually or collectively shows the invention as claimed. Accordingly, withdrawal of the rejection of the claims appears to be warranted and the same is respectfully requested. In the event there are any outstanding matters remaining in the present

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application which can be resolved by a telephone call or facsimile communication to Applicant's Attorney, the Examiner is invited to contact the undersigned by telephone or facsimile at the numbers provided below.

Respectfully submitted,
BACON & THOMAS, PLLC



WONKI K. PARK
Attorney for Applicant
Registration No. 38,991

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BACON & THOMAS, PLLC
625 Slaters Lane, Fourth Floor
Alexandria, Virginia 22314
Telephone: 703-683-0500
Facsimile: 703-683-1080

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